



*California Environmental Protection Agency
Department of Toxic Substances Control*

**HAZARDOUS WASTE FACILITY
POST-CLOSURE PERMIT**

Permit Number: 02-SAC-06

Facility Name:

BP Carson Refinery
1801 East Sepulveda Blvd.
Carson, California 90749-6210

Owner Name:

BP West Coast Products LLC
1801 East Sepulveda Blvd.
Carson, California 90749-6210

Operator Name:

BP West Coast Products LLC
1801 East Sepulveda Blvd.
Carson, California 90749-6210

Facility EPA ID No.: CAD077227049

Effective Date:

Expiration Date:

Permit Modification History: New Permit

Pursuant to section 25200 of the California Health and Safety Code, this RCRA-equivalent Hazardous Waste Facility Post-closure Permit is hereby issued to BP West Coast Product, LLC. Issuance of this Permit, which consists of 12 pages, is subject to all terms and conditions set forth herein.

Chief, Sacramento Permitting and
Corrective Action Branch
Hazardous Waste Management Program

Date: _____

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PART I. DEFINITIONS

All terms used in this Permit shall have the same meaning as those terms have in the California Health and Safety Code, division 20, chapter 6.5 and Title 22, California Code of Regulations, division 4.5, unless expressly provided otherwise by this Permit.

1. "DTSC" as used in this Permit means the California Department of Toxic Substances Control.
2. "Permittee" as used in this Permit means the Owner and Operator.
3. "HSC" as used in this Permit means the Health and Safety Code.
4. "Cal. Code of Regs." as used in this Permit means the California Code of Regulations.
5. "Approved Application" as used in this Permit means the Part A and Part B portions of the permit application described in Part III.1 of this Permit.
6. Unless explicitly stated otherwise, all references to items in this Permit shall refer only to items occurring within the same part.

PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP

1. OWNER

The facility owner is BP West Coast Products LLC, 1801 East Sepulveda Blvd., Carson, Los Angeles County, California, 90749-6210 (hereafter "Owner").

2. OPERATOR

The facility operator is BP West Coast Products LLC, 1801 East Sepulveda Blvd., Carson, Los Angeles County, California, 90749-6210 (hereafter "Operator").

3. LOCATION

The East and West Retention Basins are located within the BP refinery. The refinery is located at 1801 East Sepulveda Blvd, Carson, Los Angeles County, California. The approximate location of the Basins are shown on the attached maps and photograph, labeled DTSC Attachments 1, 2, and 3, which are the same as Figure A-1, Regional Topographic Map, BP Carson Refinery, dated 12/06/02; Figure A-3, Facility Aerial Photograph, BP Carson Refinery, dated 12/06/02; and Figure B-1, Facility Topographic Map, BP Carson Refinery, dated 12/06/02 respectively, of the Approved Application. Appendix 2 of the Approved Application contains legal descriptions for the West Basin and East Basin prepared by Douglas A. Boynton, California Licensed Land Surveyor, license number L.S. 4787.

4. DESCRIPTION

The East and West Retention Basins were historically used as surface impoundments for management of commingled refinery process water and storm water. This commingled water at times exceeded 0.5 mg/l Benzene and, thus, became regulated under the Resource Conservation and Recovery Act (RCRA) on September 25, 1990 with the promulgation of the federal Toxicity Characteristic Rule. The basins were regulated under the Interim Status provisions of Title 22, CCR based upon the filing of a Part A Hazardous Waste Facility Permit Application in 1990 by ARCO, the owner of the refinery at that time. ARCO submitted a Part B permit application in 1991 and notified DTSC of their intent to close the basins in February 1993. Closure commenced in 1996, and closure was certified on April 7, 1997.

5. FACILITY SIZE AND TYPE FOR FEES

The facility is categorized as a large post-closure facility for purposes of HSC, section 25205.19. For the purpose of HSC, section 25205.4, the post-closure period for the East and West Retention Basins shall be deemed to have started April 4, 1997, which is the date ARCO, the former owner of the refinery, signed the Closure Certification for the East and West Retention Basins and submitted to DTSC the Final East and West Retention Basins Interim Status Closure Report, dated April 4, 1997. Closure certification was accepted by DTSC on December 4, 1997.

PART III. GENERAL CONDITIONS

1. PERMIT APPLICATION DOCUMENTS

The RCRA Subtitle C Site Identification Form, Revised RCRA Hazardous Waste Part A Permit Application, signed December 6, 2002, by Mr. Tim Scruggs, Business Unit leader for BP West Coast Products LLC and the Revised RCRA Post-Closure Permit Application, East and West Retention Basins, Dated December 6, 2002 (Part B), consisting of two volumes, are hereby approved and made a part of this Permit by reference (hereafter "Approved Application").

2. EFFECT OF PERMIT

- (a) The Permittee shall comply with the provisions of the California Health and Safety Code, and division 4.5 of Title 22, California Code of Regulations (Title 22, Cal. Code Regs.). The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies, including but not limited to, the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the Facility.
- (b) The Permittee is permitted to monitor and maintain the post-closure facility in accordance with the conditions of this Permit and the Approved Application. Any treatment or storage of hazardous wastes not specifically authorized in this Permit or described in the Approved Application is strictly prohibited.
- (c) Compliance with the terms of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including, but not limited to, one brought for any imminent and substantial endangerment to human health or the environment.
- (d) DTSC's issuance of this Permit does not prevent DTSC from adopting or amending regulations that impose additional or more stringent requirements than those in existence at the time this Permit is issued and does not prevent the enforcement of these requirements against the Permittee. Failure to comply with any term or condition set forth in the Permit in the time or manner specified herein will subject the Permittee to possible enforcement action including but not limited to penalties pursuant to HSC section 25187.
- (e) In addition, failure to submit any information required in connection with the Permit, or falsification and/or misrepresentation of any submitted information, is grounds for revocation of this Permit (Title 22, Cal. Code of Regs., section 66270.43).
- (f) In case of conflicts between the Approved Application and the Permit, the Permit conditions take precedence.

(g) This Permit includes and incorporates by reference any conditions of waste discharge requirements issued to the facility by the State Water Resources Control Board or any of the California Regional Water Quality Control Boards and any conditions imposed pursuant to section 13227 of the Water Code.

3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

A Notice of Exemption has been prepared in the accordance with the requirements of Public Resources Code Section 21000 et seq. and the California Environmental Quality Act Guidelines, which are codified in Title 14, Cal. Code of Regs., section 15070 et seq.

4. ENVIRONMENTAL MONITORING

(a) For the purpose of Title 22, Cal. Code of Regs., section 66264.91(b), the elements of the Groundwater Monitoring and Response Program for the BP Carson Refinery are those described in Section 2.0 of the approved Sampling and Analysis Plan (SAP), which is contained in the Approved Application.

(b) For the purpose of Title 22, Cal. Code of Regs., section 66264.92, the Water Quality Protection Standard for the BP Carson Refinery is described in Section 2.1 of the approved SAP.

(c) For the purpose of Title 22, Cal. Code of Regs., section 66264.93, the Constituents of Concern for the BP Carson Refinery are described in Section 2.1.1 and Table 2-1 of the approved SAP.

(d) For the purpose of Title 22, Cal. Code of Regs., section 66264.94, the Concentration Limits for the BP Carson Refinery are described in pages Section 2.1.1 of the approved SAP.

(e) For the purpose of Title 22, Cal. Code of Regs., section 66264.95, the Monitoring Points and Points of Compliance for each regulated unit at the BP Carson Refinery are described in Section 2.1.2 of the approved SAP.

(f) For the purpose of Title 22, Cal. Code of Regs., section 66264.96 the Compliance Period for each regulated unit at the BP Carson Refinery is described in Section 2.1.3 of the approved SAP.

(g) For the purpose of Title 22, Cal. Code of Regs., section 66270.31, the monitoring, recording, and reporting program for the BP Carson Refinery is described in Section 2.2.1 through Section 4 of the approved SAP.

5. WASTE MINIMIZATION CERTIFICATION

Pursuant to HSC, section 25202.9, the Permittee shall certify annually, by March 1 for the previous year ending December 31, that:

- (a) The facility has a program in place to reduce the volume and toxicity of all hazardous wastes that are generated by the facility operations to the degree, determined by the Permittee, to be economically practicable.
- (b) The method of storage or treatment is the only practicable method or combination of methods currently available to the facility which minimizes the present and future threat to human health and the environment.

The Permittee shall make this certification, in accordance with Title 22, Cal. Code of Regs., section 66270.11. The Permittee shall submit the certification to the Department of Toxic Substances Control, Land Disposal Branch, 8800 Cal Center Drive, Sacramento, California 95826 and shall record and maintain onsite such certification in the facility Operating Record.

6. WASTE MINIMIZATION CONDITIONS

- (a) The Permittee shall comply with the Hazardous Waste Source Reduction and Management Review Act (SB 14) requirements that are specified in HSC, sections 25244.19, 25244.20 and 25244.21, and any subsequent applicable statutes or regulations promulgated thereunder. This would include submittal of SB 14 documents to DTSC upon request.
- (b) DTSC may require the Permittee to submit a more detailed status report explaining any deviation from, or changes to, the approved waste minimization plan.

7. CONDITIONS APPLICABLE TO ALL PERMITS

Title 22, Cal. Code of Regs., section 66270.30, Conditions Applicable to All Permits, is incorporated by this reference.

8. MODIFICATIONS

- (a) The Permittee must request and obtain a permit modification to revise any portion of this Permit. To request such a revision, the Permittee must comply with the procedures for permit modifications set forth in Title 22, Cal. Code Regs., section 66270.42.
- (b) If at any time DTSC determines that modification of any part of this Permit is necessary, DTSC may initiate a modification in accordance with the procedures in Title 22, Cal. Code Regs., section 66270.41.

PART IV. PERMITTED UNITS AND ACTIVITIES

For the purpose of Title 22, Cal. Code of Regs., section 66270.1(c) and other similar, unit specific regulatory requirements, the BP Carson Refinery has two hazardous waste management units.

1. The East Retention Basin consists of all of the area described by the legal description for the East Basin and shown on the map entitled ARCO Carson Refinery, East Basin, Partial Topographic Survey, prepared by Dulin & Boynton, and dated December 23, 1996. Both documents are included in Appendix 2 of the Approved Application. The East Retention Basin further includes the closure structures, pumps, and appurtenances listed in Section F and shown on Figure F-1 of the Approved Application and the East Retention Basin RCRA groundwater monitoring wells shown on Figure 2-2, labeled East and West Retention Basin Monitoring Well Location Map, included in Appendix 8 of the Approved Application.

2. The West Retention Basin consists of all of the area described by the legal description for the West Basin and shown on the map entitled ARCO Carson Refinery, West Basin, Partial Topographic Survey, prepared by Dulin & Boynton, and dated December 23, 1996. Both documents are included in Appendix 2 of the Approved Application. The West Retention Basin further includes the closure structures, pumps, and appurtenances listed in Section F and shown on Figure F-2 of the Approved Application and the West Retention Basin RCRA groundwater monitoring wells shown on Figure 2-2, labeled East and West Retention Basin Monitoring Well Location Map, included in Appendix 8 of the Approved Application.

PART V. SPECIAL CONDITIONS

1. The development of revised concentration limits for routine constituents and Constituents of Concern is deferred to the site-wide corrective action presently being performed under the oversight of the Regional Water Quality Control Board, Los Angeles Region.
2. BP West Coast Products LLC shall annually inspect the liners of the East and West Retention Basins in the third quarter of each calendar year before the rainy season, for cracks and other imperfections. The facility shall maintain the liners in accordance with the Approved Application throughout the year. The facility shall follow the BP-Carson Business Unit Policy & Procedure, East & West Retention Basins, which is included as Appendix 9 of the Approved Application.
3. BP West Coast Products LLC shall not use the East and West Retention Basins except for the temporary storage of storm water commingled with non-hazardous process water during large storm events or fire deluge system testing. Non-hazardous water shall be monitored per Appendix 9 of the Approved Application. All water shall be removed from the basins upon cessation of storm conditions or fire deluge system testing. All water shall be discharged according to the guidelines in Appendix 6 of the Approved Application.
4. Within ninety (90) days from the effective date of this permit, BP West Coast Products LLC shall submit a comprehensive listing of all Solid Waste Management Units at the facility. This report shall include all of the information listed in Section M of Chapter 5 of the department's *Instructions for Preparing a Post-closure Permit Application, Revised January 2002*.
5. Except as provided in Part VI of this permit, the Regional Water Quality Control Board, Los Angeles Region, is the lead agency for ongoing corrective action at the BP Carson Refinery.
6. Within sixty (60) days from the effective date of this permit, BP West Coast Products LLC shall submit a revised financial assurance mechanism letter. The financial assurance mechanism letter must be addressed to the Director of DTSC and must be in a format approved by DTSC.

PART VI. CORRECTIVE ACTION

1. POTENTIAL OR IMMEDIATE THREATS/NEWLY IDENTIFIED RELEASES/ NEWLY IDENTIFIED SWMUs

- (a) In the event the Permittee identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous constituents, or discovers new Solid Waste Management Units (SWMUs) not previously identified, the Permittee shall notify DTSC orally within 24 hours of discovery and notify DTSC in writing within 10 days of such discovery summarizing the findings including the immediacy and magnitude of any potential threat to human health and/or the environment.
- (b) DTSC may require the Permittee to investigate, mitigate and/or take other applicable action to address any immediate or potential threats to human health and/or the environment, SWMUs, or newly identified releases of hazardous waste and/or hazardous constituents. Corrective action shall be carried out under either a Corrective Action Consent Agreement or Unilateral Corrective Action Order pursuant to HSC, section 25187.

2. SAMPLING AND ACCESS

(a) Sampling

- (1) The Permittee shall provide confirmatory samples to DTSC within the time requested by DTSC to determine if there is a threat to human health and/or the environment. The sampling shall be done in accordance with guidance that DTSC supplies to the Permittee.
- (2) The Permittee shall notify DTSC in writing at least fourteen (14) days prior to beginning any confirmatory sampling requested by DTSC. If the Permittee believes it must commence emergency confirmatory sampling without delay, the Permittee may seek emergency telephone authorization from DTSC's Land Disposal Branch Chief or, if the Branch Chief is unavailable, his/her designee to commence such activities immediately. At the request of DTSC, the Permittee shall provide or allow DTSC or its authorized representative to take split or duplicate samples of all samples collected by the Permittee pursuant to Part IV of this Permit.
- (3) The Permittee shall submit to DTSC upon request the results of all sampling and/or tests or other data generated by its employees, divisions, agents, consultants or contractors pursuant to this Permit.
- (4) Notwithstanding any other provisions of this Permit, DTSC retains all information gathering and inspection authority rights including enforcement actions related thereto, under H&SC and any other applicable State or federal statutes or regulations.

(b) Access

(1) DTSC, its contractors, employees, agents, and/or any U.S. EPA representatives are authorized to enter and freely move about the facility pursuant to the entire Permit for the purposes of: interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts relating to the Facility; reviewing progress of the Permittee in carrying out the terms of this Permit; conducting such test, sampling, or monitoring as DTSC deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to DTSC by the Permittee; or confirming any other aspect of compliance with this Permit and Division 20, Chapter 6.5 of the H&SC. The Permittee shall provide DTSC and its representatives access at all reasonable times to the Permittee's Facility and any other property to which access is required for implementation of any provision of this Permit and any provision of Division 20, Chapter 6.5 of the H&SC and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Permit or undertake any other activity necessary to determine compliance with applicable requirements.

(2) To the extent that work being performed pursuant to Part IV of this Permit must be done on property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain access agreements necessary to complete work required by this Part of the Permit from the present owner(s) of such property within thirty (30) days of approval of any workplan for which access is required. "Best efforts" as used in this paragraph shall include, at a minimum, a certified letter from the Permittee to the present owner(s) of such property requesting access agreement(s) to allow the Permittee and DTSC and its authorized representatives access to such property and the payment of reasonable sums of money in consideration of granting access. The Permittee shall provide DTSC with a copy of any access agreement(s). In the event that agreements for the access are not obtained within thirty (30) days of approval of any workplan for which access is required, or of the date that the need for access becomes known to the Permittee, the Permittee shall notify DTSC in writing within fourteen (14) days thereafter regarding both efforts undertaken to obtain access and its failure to obtain such agreements. In the event DTSC obtains access, the Permittee shall undertake approved work on such property.

(3) Nothing in this Permit shall be construed to limit or otherwise affect the Permittee's liability and obligation to perform corrective action including corrective action beyond the facility boundary, notwithstanding the lack of access. DTSC may determine that additional on-site measures must be taken to address releases beyond the Facility boundary if access to off-site areas cannot be obtained.

(4) Nothing in this Permit shall limit or otherwise affect DTSC's right to access and entry pursuant to any applicable State or federal laws and regulations